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THE BAR ASSOCIATION APPOINTS A

WHAT JUDGE MAYNARD DID.

James C. Carter Offers the Resolution-Delos McCurdy Furnishes a Statement of the Facts in Advance and Beclares that Judge Maynord Did Right with the

Amended Dutchess Election Return. The Association of the Bar of New York passed these resolutions last night by a viva voce vote, with about 20 per cent, of noes, some 200 of the 1.176 mamners being present:

Wherens, It appears from a late opinion pronounced by a Judge of the Supreme Court that grave offences may have recently been committed in the taking of an election return from the office of the Comptroller of this State, and that Mr. Isaac II. Maynard, then Deputy Attorney-tieneral, and since clevated to the bench of our highest court, was an connected with the trans-action as to impair his usefulness as a Judge and tend to discredit the administration of justice, now, there-

Residual. That it be referred to a committee of nine members, to be appointed by the President of the asso-ciation, to inquire into the matter aforesaid and Judge Maynard's connection therewith, and to report at an ned meeting of the association, to be held on the evening of March 22, at S P. M., the facts, with the opinion of sail committee as to what action, if any, should be taken by the association in the premises.

The resolution was prepared on Monday evening by twenty or more lawyers who had been called on by Wheeler H. Peckham. President of the association, to advise wnether or not the association was called on to act in the matter. It leaked out yesterday that the resolution would be offered at the meeting last night, and the little ball in the association West Twenty-ninth street was crowded. Among the lawyers present were: Frederic R. Coudert, James C. Carter, Dolos McCurdy, Roger Foster, Noah Davis, Elihu Root, Francis M. Scott, and John M. Bowers. Mr. Peckham presided. When he called for the routine business James C. Carter jumped

up with a paper in his hand.
"I rise." he said, slowly, "for the purpose of moving the adoption of a resolution by this association having reference to an affair which is excited much comment throughout the State. It has connection with the taking from the office of the State Comptroller of certain

State. It has connection with the taking from the office of the State Comptroller of certain election returns, with the tampering with public papers in a public office, and that by nigh officials of the State; a matter of the widest public interest and consequence, it has occupied largely the attention of the people and of the newspapers. It has engaged the attention of judicial tribunals, and we have a statement made in relation to it by a nege of the Supreme Court. It is a mater of so grave a character that it callenges our immediate attention. The leading features of the case are these: That a certain election return was forwarded to the three principal officers of the State. The returns, I believe, have been adjudged lawful ones. From the office of the Comptroller it appears that Deputy Attorney-General Isaae H. Maynard took this return, having no official authority so to do. It is also a part of the fact that the removal of these returns enabled another return to be canvassed by the Board of State Canvassers, and led to the declaration by that body that a certain candidate was elected to the place to which another candidate was really elected. That act changed the political character of the State Senate. Shortly after this act he Deputy Attorney-General was appointed by the Governor to a place on the highest judicial bonch in the State. Now, these matters are of the gravest character, and it is incumbent on those whose official duty it may be to protect the public to take some steps looking to an investigation into the facts. Now is not the time for us to express any opinion or to advance any judgment."

take some steps looking to an investigation into the facts. Now is not the time for us to express any opinion or to advance any judgment."

He read the resolution. Before he had finished Delos McCurdy was on his feet, and, advancing to the centre of the aisle, he said:

"It seems to me that before this association proceeds to adopt a resolution even to insuire into the conduct of Judge Maynard it ought at least to understand the facts of which I versonally am cognizant. Without going into extensive details I will state something of what I know as an associate of Judge Maynard in the conducting of these election cases."

He then recited briefly the story of the fight up to Dec. 3, when the Republicans proposed to take the dispute at once to the Court of Appeals for final decision.

"The argument," he said, "had proceeded all day, when there was made by the attorneys for the other side this proposition: That the cases be advanced at once to the General Term and disposed of as quickly as possible there, and that the defeated party there should appeal at once to the Court of Appeals, the other side waiving the rights of extended notice and the like; that in the mean time the state floard of Canvassers should not canvass the vote or make any deciaration whatever, and that even side should be finally bound by the decision of the Court of appeals. The agreement was made. It was signed by every lawyer on both sides, and the signing of that agreement was made. It was signed by every lawyer on both sides, and the signing of that agreement was made. It was signed it, I wish to say that not one of them ever appeared in the case alterward. This agreement was made no other returns but those that had already been filed were contemplated or thought of, and I speak with a knowledge of the facts. The men who made the proposition to as realized its far-reaching consequence. They agreed, selemnly, in open court, to abide by the film decision. I popular was nothing but their word to pervent them doing it.

"Now as to the other side

the returns in their possession, though there was nothing but their word to prevent them design it.

"New as to the other side. On Dec. 12 a movement was put on foot to send up to the State officers amended returns from Dutchess county. This was a direct violation of the agreement so solemnly entered into. A consultation was had by our side at once. The movement astonished us. It was perfectly well understood that neither side should take any steps whatever in the cases until the hearing before the Court of Appenis. It was decided at this consultation to hold the other side strictly to the agreement and if they did send in the amended returns to return them on the instant. The State officers all agreed to do this on the advice of their counsel. Judge Maynard, and myself. Judge Ingraham in this city was appealed to, and he granted an injunction forbidding Clerk Emans of Poughkeepsie sending the amended returns to Albany. This injunction was granted about 0 colock in the evening, and I despatched a messenger with it at once. In the mean time I had telephonic communication with Clerk Emans, and I informed him of the issuing of the order. In the mean time, also, men in Poughkeepsie had pravailed on Clerk Emans and had convinced him that it was his duty to send the returns to Albany before the arrival of the order, and, after my telephonic notice to him, he deposited the amended returns in the mail. Well, the messenger with the injunction reached Poughkeepsie alboat 80 clock in the evening, and he served the paper on the clerk in the only legal way-by a copy, and showing the original. The serving of this paper had more weight on the clerk than had the notice by telephone, and he spinished the matter to him, and asked what he should do. The Governor directed him to go and see Judge Maynard and the side legal ham to Judge Maynard. In taking those papers and giving them to the offers Emans, merely did weat the Comptroller himsolf would have done had he been thory. I claim for Judge Lugarant in the significant of Judge x as to the other side. On Dec. 12 a

in Brooklyn to have the ingraman dissolved.

"Now, Mr. President and goutlemen," he concluded, "if Judge Maynard committed a wrong on that occasion there is one here, a member of your body, who is also guilty of that wrong, and he is here prepared to take the consequence and to assume the responsibility for everything. Not only was be guilty of the fact, but he was an accessory before the fact and I declare now that what was done in those cases by Judge Maynard and myself I would do again."

the facts, for a Judge could not as a Judge be impeached for something he had done before he become a Judge. He did not see, any way, he said, why the association should want a special committee to investigate this case, when all other similar cases were handled by the regular Grievance Committee.

Nelson Smith, Chairman of the General Committee of Tammany Hall, said that the resolution was very objectionable and its language was extremely odions. It practically associated that a Judge of the highest court in the State was guilty of an offence which made it improper for him to be a Judge. The whole matter was polities and had no part in the deliberations of the Association of the lar. The sole intent of the resolutions was to blacken the character of the Judge, whether or not he was guilty, and paying the paying t COMMITTEE TO INQUIRE.

sole intent of the resolutions was to blacken the character of the Judge, whether or not he was guilty.

Half a dozen men jumped up. Noah Davis was recognized. He declared that if he were in the rosition of Judge Maynard he would come to New York and demand that the association of the par should make a thorough and complete investigation. "If he be not guilty of wrong," he said, "It is our duty to exculpate him before the whole world."

Frederic It Coudert closed the argument. He said:

"I have not the least animosity toward the Judge. Personally I would like to see him vindicated. But the question has zone too far, and if we ston now it means that this Bar Association will not investigate the impenched character of a high judicial offider for reasons known best to themselves, but not understood or appreciated by the people."

Tresident Peckham called for the ayes and noes. It was clear that the majority favored the resolution and the meeting broke up.

One gentleman said to Mr. McCurdy as the latter stepped up to Mr. Deckham to talk about the appointment of the Charitees:

"That was an able ardress, Mr. McCurdy, but you should have got up and said that Judge Maynard courted the investigation. You know it was settled that he committee would be appointed. You would have made a tremendous hit."

"Ah," said Mr. McCurdy. "I did not know it was cut and dried, or perhaps I should."

The committee will be appointed to-day. Elihu Root, James C. Carter, John M. Bowers, and Delos McCurdy will be four of the nine members.

ALMOST WORTHY OF PERRY.

Railroad Thieves Steat Employees Guard Before They Attack a Safe.

FINLEYVILLE, Pa., March 8.-Four masked men stole up to the Baltimore and Ohio station and express office here this morning at 2 o'clock. They overpowered, bound, gagged, and robbed the operator, Albert McNeil, and a shifting engine watchman named J. J. McMillan. They then ransacked the offices and blow open the safe, fleeing only when the loud explesion brought a shifting crew to the rescue. The lower story of the station is used for a waiting room and ticket office and the upper part is occupied by the telegraph and signal operators. The highwaymen came upon Watchman McMillan suddenly. Very quickly he was bound, securely gagged by knotted rope about his mouth, and carried by three of the men to an old sawmill, where he was tied to a post in a heap of sawdust and threatened with death if he should make an outery. They took his watch and other personal effects.

The men returned to the station and quietly stole up stairs, and McNell, the telegraph and signal operator, was almost immediately in their power. A threatening revolver was sufficient persuasion to obey the order of the lender of the gang, who told him "not to tap a telegraph key or open his mouth." They carried him down stairs and out of the building and laid him in a fence corner. His watch and a small amount of money were taken from him. The four men then began to rob the ticket office and general business room of the station. On the knob of the safen card had been sustended by the ticket agent, on which was written. The combination is not on; turn knob to right." This he had done intentionally, owing to the recent robberies in that vielnity, and knowing that there was nothing of value in the safe except railroad tecords and accounts. The burglars knocked off the knob, filled the aperture with powder, and blew the safe to pieces. The burglars were scattered about the room. The explosion frightened the robbers, who ran off just before the shifting crew at work near by came running to the station.

A hurried search resulted in finding McNell in the fence corner. He was almost prostrated from the attack and the rough handling he had feeepired, but soon was able to take the the men to an old sawmill, where he was tied A hurried search resulted in finding McNell in the fence occuer. He was almost presented from the attack and the rough handling he had received, but soon was able to take the wire and notify neighboring towns. Watchman McMillan was found in the sawmill almost exhausted from the binding of the ropes and the gag.

The burglars did not get much booty. The money and other valuables had been forwarded to Pittsburgh on the night express. There is no bank at Finleyville, and this precaution has been taken by the railroad company in order to guard against serious loss in event of robbery.

SOUGHT DEATH IN THE WOODS.

'nyanguished by Pneumonia, Typhoid, a Grip, Edward Dwyer Tried the Pistol.

Edward Dwyer, a young varnish maker came here from Chicago last May and began pourding with his brother Thomas, who Drayton Ives's coachman. Edward has had a hard time getting acclimated. First he was taken down with the grip. He got well, and pneumonia put him to bed again. He got on his feet once more and typhoid fever prostrated him. He got over that, too, but was much debilitated and could not resume work

at his trade. He left his brother's home on Sunday, and He left his brother's home on Sunday, and his brother heard nothing of him until yesterday afternoon, when a despatch from Jamaica, Long Island, announced that Edward had tried to kill himself. He walked into Miller's libeted in Jamaica yesterday afternoon, with blood oozing from a wound on the right side of his head. He had walked out from Long Island City to the Jamaica woods, where he stayed in the chilling rain all aight. His Intention was to destroy everyting he had with him that might give a clue to his identity, seek the densest part of the woods, and sood himself. He fired one shot which struck the frontal bone and buried itself under the sealp. He thought he was mortally hurt, and lay down to die.

As he kept en living, he decided to take another shot at himself. He fired siantingly at his abdomen. The bullet struck a rib, made a furrow half around his body, and lodged in the flesh of his back. He was very weak, and the reactionary force of the second shot knocked the revolver from his hand. He hay down again and waited for death. Pain came instead, and he got up again to make an end of himself.

But he couldn't find the revolver, and so he gave up the idea of quitting the world and staggered out of the gloom of winter boughs down the road to Jamaica. He told his story at Miller's Hotel. Dr. Neymen was called in and decided that Edward had a better chance of getting over his wounds than of getting over the result of his exposure in the woods. He was put on an electric railroad car and sent to the Emergency Hospital. The bullets had not been extracted last night. Edward said he was anxious to live. his brother heard nothing of him until yester-

RECEIVER FOR W. H. RIKER.

said he was anxious to live.

He Falls to Appear in Court to Resist the The financial troubles of Wm. H. Riker. druggist of Sixth avenue and Twenty-second street, resulted yesterday in the appointment of Julius Lehman receiver of his property by Judge Newburger of the City Court on the appliention of Everett D. Barlow, attorney for Orlando H. Jadwin, a judgment creditor. Mr. Riker could not be reached with a summons, and Mr. Barlow obtained an order to show cause in the City Court, returnable yesterday, why a receiver should not be appointed on the ground that Riker was avoiding service. Neither Mr. Riker nor his attorney appeared in court yesterday. E. D. Calhoun, manager for Mr. Riker, tostified that on Feb. 12 Mr. Riker sold out the drug business to himself and others for 888, 700, of which \$50,000 was in cash and \$38,700 in notes. Judge Newberger promptly appointed Mr. Lehman receiver. Mr. Barlow said yesterday that he had filed a lis bendens against Mr. Riker's magnificent residence at the northeast corner of Riverside Drive and 108th street, which is valued at \$107,000, but is mortgaged for \$102,000. Judgment for \$1.195 was entered yesterday Orlando H. Jadwin, a judgment creditor. Mr.

Judgment for \$1,195 was entered yesterday against Mr. Riker in favor of J. D. Smith. The liabilities to the drug trade are estimated at \$25,000.

Lawser Hummel obtained a writ of habeas errors restoriar morning from Justice Anhows, in the Supreme Court, Chambers, in belose cases by Judge Maynard and investi I found do again.

There was prolonged applause when Mr. oCurdy sat down. Hoger Forster was next recognized. He said that the association had power to act, no matter what it found to be ster to bail.

RETALIATE, SAYS MR. FRYE.

THE BEHRING SEA TREATY CONSID-ERED IN THE SENATE.

No Correspondence Accompanies It, and No Comment on Lord Salisbury's Refusal to Renew the Modus Vivendi-Plenty of Comment by the Senators, Though-Mr. Prye Would Attack Canada's Transportation Privileges-The Trenty Likely to be Ratified, and the Scale to be Protected.

WASHINGTON, March 8 .- The President sent to the Senate to-day the Behring Sea treaty of arbitration, which was signed by Secretary Blaine and Sir Julian Pauncefote, the British Minister, ten days ago. The treaty was not accompanied by a recommendation as to the nodus rirendi, but such a recommendation may possibly be sent in to-morrow, when the President will transmit all the correspondence on the subject that has taken place since that

published last spring. The Senate was in executive session for an hour or more and listened to a very lively discussion of the fisheries controversy, after which the treaty was referred to the Commit-tee on Foreign Relations. Senators Sherman, Frye, Morgan, Teller, Felton, Hale, and others made short speeches, and all were of the opinion that the treaty should be promptly ratifled and the law with regard to poaching vigorously enforced. If the treaty should be promptly ratified it would not become operative during the coming fishing season if England refuses to renew the modus rivendi, then it is the opinion of Senators on both sides of the Chamber that the United States should proceed at once to punish all poachers and violators of the law, leaving the question whether the law had been violated or

not to the courts or to the arbitrators.

The speeches in the executive session were of an exceedingly aggressive character and were made by some of the Senators, at least, in the light of the fact that after the Cabinet session this morning a message was sent to Lord Salisbury, which, it is supposed, said that the United States Government meant to defend its rights promptly and vigorously Senator Sherman was the first speaker. He explained the provisions of the treaty and let out the fact that he and other

explained the provisions of the treaty and let out the fact that he and other Senators on the Foreign Affairs Committee had been called into consultation with Secretary Blaine on the morning it became known that Sir Julian Pauncefote had signed the arbitration treaty and Lord Salisbury had simultaneously announced his determination not to agree to a renewal of the modus riventi. Mr. Sherman was followed by Mr. Morgan, the only Democratic Senator who spoke. He agreed entirely with the Chairman of the Foreign Affairs Committee, and said that Democrats as well as Republicans were in favor of firmness and dignity.

Senator Frye, in his usual explosive way, created considerable excitement by advancing the proposition that if England persisted in her refusal to continue the modus rivends the United States had it in its power to bring England to terms in a very simple and direct way. Senator Frye's plan is the one that has always been a favorite with him, of refusing to Canada the privilege she now enjoys of transporting goods in bond through the United States. "Retallate!" should Senator Frye. "That is the only sensible way of bringing the English Government to terms."

Other Senators, including Mr. Cullem, Chairman of the Inter-State Commerce Committee, endorsed Mr. Frye's proposition, which aroused considerable enthusiasm among the Senator Geller delivered a vigorous speech would shortly be put into operation.

Senator Teller delivered a vigorous speech against the refusal of Lord Salisbury to extend the modus rivends, and insisted that the rights of American citizens should be protected in accordance with the laws now on the statute books. He said he was opposed to truckling to Great Britarion this matter, and intinated that Lord Salisbury could be brought to torms in a few hours if the Administration was authorized to enforce the laws, and if necessary, to send ships to the sealing grounds to protect American interests. He gave statistics of seal killing which were ainruing in the catreme.

Senator Hale, supposed

gave statistics of seal killing which were alarming in the extreme.

Senator Hale, supposed to be speaking for Secretary Blaine, advocated a ratification of the treaty on the ground that it would commit Great Britain to the acknowledgment that the United States had certain rights in the Behring Sea which Great Britain has not heretofore admitted.

Senator Felton, who made his maiden speech

for admitted.
Senator Felton, who made his maiden speech behind the closed doors, ridicaled Lord Salisbury's claim for a thirty-mile limit, and quoted statistics from the fur seal company's agent to show that in addition to the 60,000 seals legitimately caught last year, there were 300,000 adults left dead on the recks and 30,000 purs that died because of their mothers having been destroyed.

statistics from the fur seal company's agent to show that in addition to the 60,000 seals legitimately caught last year, there were 300,000 adults left dead on the rocks and 30,000 purs that died because of their mothers having been destroyed.

All the Senators agreed that England by assenting to the provisions of the treaty of arbitration had committed herself to the acknowledgment that the United States had certain rights not heretofore conceded, and that therefore it was inconsistent for her to oppose a continuation of the mothes viewed.

At the Cabinet meeting to-day the opinion of all the members present was in favor of the President's attitude that the law must be enforced, which view, it is understood, was afterward communicated to the British Government. It is likely that when the President undertakes the auppression of ponehing it will be found that he has adopted a more comprehensive plan than has herotofore been enforced. It has been pointed out to the President within the last day or two that the preservation of the fur seals in Behring Sea is really of loss importance than their protection in other and adjacent waters, which at present he are adjacent waters, which at present he are the fur seals in Behring Sea is really of loss importance than their protection in other and adjacent waters, which at present he are the further than their protection in other and adjacent waters, which are almost constantly filled with seals, and here the ponchers do their most effective work. They not only kill annolested in these commaratively clear waters, but they form a harricade which prevents the seals from getting up into liebring. Sea at all. The President has been advised to send such naval vessels and revenue culters as the can command, toenforce the law against poaching for a distance of fitteen miles from the shore of the North Pacific Ocean, leaving the matter of killing in the open season the surgestion of the surgestion of the surgestion of the president will take this distance that could be cause that

Consuls Directed to Watch for Small-pox WASHINGTON, March 8 .- Acting Secretary of State Wharton late this afternoon cabled the American Consuls at Hamburg and Liverpool American Consuls at Hamburg and Liverpool to make a careful inspection of emigrants bound for America, to see that no traces of small-pox exist among them.

This action was caused by a telegram Fereived at the State Department to-day from Health Officer Jenkins of New York, stating that steamers from those ports are now detained in quarantine with passengers supposed to be suffering from small-pox. PRIZE, A CHERRY HILL BILLE.

Unable to Decide as to Who Should Have A Cherry Hill belle was the cause of bloodshed last night. J. Consoll and James McCoy. both residents of the Fourth ward, aspired for

the favor of the damsel.

They were both equally ardent in their attention, so that the recipient of their affections was unable to decide upon her choice. To settle the question a fight was suggested by the impartial female. The two men, accompanied by an aggregation of sporting gentry, repaired to the outskirts of the city last night to settle their differences. A good battle ground was chosen and the men prepared for the encounter.

It was to be a battle for love. The mon fought eight rounds. Consell is an Italian tonsorial artist, and showed from his fistic of tonsorial artist, and snowed, from his fistic efforts that he was not in his element in the prize ring. McCoy, his opponent, on the contrary, was very elever. He parried the Italian's savage thrusts, and in return gave some stinging blows. He drew blood in the second round. McCoy had the battle won in the fifth round, but Conseil with great grit continued in the light until eight rounds had been fought. At that time he was bleeding from the nose and mouth, and had a severe cut under his left eye. The light was then awarded to McCoy.

The lattle was very flerce. John Murphy neted as referce. The timekeeper was George Murphy. Consell was seconded by J. and W. Conway; McCoy had for his seconds Jack Mack and James O'Connell.

Among the well-known men who witnessed the mill were Paddty Forster, J. J. Sullivan Jeremiah Cronin, Thomas J. Fox. Richard Gerrity, and John Aikken. Consell, the defeated suitor, relinquishes all claim to the fair maid from Cherry Hill. forts that he was not in his element in the

FLACK INDICTMENTS DISMISSED.

The District Attorney Admits that There Was No Chance of a Conviction,

Horace Russell, counsel for ex-Sheriff James A. Flack and for William L. Flack, the ex-Sheriff's son, moved yesterday in the General Sessions before Judge Cowing that the indictments pending against the Flacks, charging them with conspiracy to procure a fraudulent divorce for the father from his wife, the late Mary A. Flack, be dismissed. They had been convicted of conspiring with Referee Joseph Meeks to obtain the fraudulent divorce, but the appellate court had reversed that conviction and ordered a new trial. More than a year had elapsed since a new trial had been ordered, and the District Attorney had given no sign of an intention to move a new trial.

The District Attorney said that he did not desire to oppose Mr. Russell's motion, because Mrs. Flack, the principal witness for the people, had died, and even if she had lived the terms of the opinion of the higher court reversing the convection had made it impossible to use the greater part of her testimony in a new trial.

The indictments against the Flacks, Mecks, the late Civil Justice Ambrose H. Monell, Sarah Cherry, alias Mrs. Raymond, and George Hart were found in September, 1888. He did not believe that a trial could be moved on any of them with any assurance of securing a conviction, and therefore would consent to the dismissal of all of them.

Judge Cowing thereupon dismissed the five Indictments.

The Flacks live in Brooklyn now. Sarah Cherry, who was made co-respondent in Mrs. Flack's subsequent suit for diverce, has never appeared in court nor been reached by the process servors. She is safe now in returning to this jurisdiction with her children. Joseph Meck's served his sentence out without appeal. tion and ordered a new trial. More than a

HENRIQUES ARRAIGNED AND LET GO. Mr. Anthony Had Received His 820 and

Alexander Henriques of 14 West Thirtysecond street was arrested on Monday evening on a warrant procured by Richard A. Anthony of E. & H. T. Anthony & Co., dealers in photographers' supplies at 501 Broadway, charging him with the larceny of \$20. Henriques is a son of the late Alexander Henriques, Vice-Chairman of the Stock Exchange. He was arraigned at Jefferson Market Court yesterday. raigned at Jefferson Market Court yesterday, and Mr. Anthony withdrew the complaint. He said to Justice Divver:

"Henriques was a college chum of mine. I have seen little of him lately, but when he came into the store last week and asked me to cash a check for \$20 I had no hesitation in doing so. The check was drawn on the liank of New Amsterdam, and was bogus. On learning this I caused his arrest. I withdrew the charge on request of his brother, who has made good the \$20 and for the sake of his family and wife. The \$20 I have turned over to Mrs. Henriques, who is lying ill at her home? Mrs. Henriques was Miss B. H. Booth of the

Arrs. Henriques was Miss B. H. Booth of the Casino company, who played in "Indigo," and whose marriage to Henriques in Montreal on Oct. 11, 1891, was a surprise to the friends of both in this city. Justico Divver discharged Henriques. MRS. PARAN STEVENS MUST NOT LEASE. Latest Development in the Litigation Over

the Trust Estate. Justice Patterson of the Supreme Court has temporarily enjoined Mrs. Marietta R. Stevens from letting or leasing the realty in this city left by her husband, Paran Stevens. The an plication is made by Charles G. Stevens and George F. Richardson, trustees of the milliondollar trust fund created by the will of Paran Stevens. The widow is required to show cause why she should not be permanently en-

cause why sac should not be permanently en-joined.

The injunction was obtained by the execu-tors and trustees in the action they brought in 1879 for an accounting against Mrs. Stevens, as, John L. Melcher, and Charles G. Stevens, ex-centors under the will of Mr. Stevens, as executrix she had been active in the manage-ment of the estate, and it was determined that up to May I, 1887, she had received \$83,611 more than she was cutified to. up to May 1, 1887, she had received \$83,611 more than she was entitled to.

The million-dollar trust, which operated as a sort of blanket mortgage on the realty of the decedent in this city, caused many complications between the trustees and executors. The income for life was to go to Mrs. Stevens, and at her death the principal was to revert to the testator's three children.

A CONDUCTOR'S BLUNDER.

Took Up the Wrong Half of the Return Tickets and the D., I., and W. Is Sued. Andrew G. Toomey and John F. Pepper, sembers of the Produce Exchange, and Michael Toomey, the father of Mr. Toomey, have begun an action against the Delaware, Lackawanna and Western Railroad for \$10,000 damages for malicious persecution, false arrest, and imprisonment. The case is to com up in the Superior Court before Judge Freed-man to-morrow. Wolf & Hodge represent

man to-morrow. Wolf & Hodge represent them.

In their complaint they say that on Nov. 12 last they bought tekets for Brick Church, N. J., and return at the foot of Barclay street. The conductor of the train on which they went to Brick Church took the half of the tickets marked "From Brick Church to Barclay street," and returned to them the parts inscribed "From Barclay street to Brick Church." On their return from Brick Church Conductor Burritt refused to accept their tickets and called them railroad beats. They say they had not noticed that the first conductor made a mistake. When they reached Holoken the Superintendent had them arrested, but when they explained things to Recorder McDonough they were released.

Mrs. Sorzano's Divorce Suit.

Mme. Marguerite Sorzano, who has been living in Newport for two years with her four children, has brought suit for absolute divorce in the Rhodo Island courts against Julio F. in the lihodo Island courts against Julio F. Sorzano, a wealthy Spanish-American of Brooklyn. Mr. Sorzano lives with his father, Francisco Sorzano, at the Pierrepont House, in Montague street. Sorzano is a civil engineer, and has an office at 31 Broadway, where he conducts a considerable business, in which his father is a special partner. The elder Sorzano said yesterday that the charges which his daughter-in-law made in her petition were untrue, and this his son would defend the suit vigorously. vigorously.

Truth's Guessing Contest, The names of the winners of the piano, sea's's sacque, bicycle, and lamp will be published in Truth to-day. Price 10 cents. For sale everywhere .- Ade. Brst street.

Empire State Express via New York Central-world's record for speed.—Ade.

BLEW IN \$32,000 AT POLICY.

BOOKKEEPER LOSEY KEPT BOOKS ON HIS THEFTS AND LOSSES. He Had a Circuit of Five Shops Where He

Played Cross Gigs. Straddles, and Grave-yard Howlers, and the Policy Beniers are Under Arrest as Well as Their Customer. William A. Losey of 525 Monroe street.

Brooklyn, who was until last Saturday head bookkeeper for the Mallison Brothers Company. wholesale paper dealers of 18 Beekman street. is a prisoner at Police Headquarters in this city. As a result of his arrest seven policy dealers are also languishing in separate cells much disgusted, because Losey "peached' after losing \$32,000 of his employers' money playing policy.

Losey is a tall, portly man, close to 50 years

old. He has a fine head, covered with soft light brown hair. His moustache is fine and flowing, and he generally wears Dundreary whiskers. He is married, and lived in good style in Brooklyn. Eleven years ago he was engaged as bookkeeper for Mallison Brothers, and the firm came to have confidence in him. One morning in the month of May, 1800, Losey says, while he was on the way to busi-ness, he chanced to meet a friend whom he had not seen in some time. It was on a bridge train. The conversation happened to turn to dreams. Mr. Losey told his friend of a dream he had had a few nights before, and his friend was much impressed by it. The friend was a policy player, and there were some numbers in the dream which were very vividly displayed before Mr. Losey's mind. His friend said they represented a "cross-capital sad-dle," and announced his intention of dropping a dollar or two on the numbers in policy before going to business that very morning.

Losey said he would like to do likewise just to see if there was any faith to be placed in dreams. Accordingly the two went around to Billy Spencer's policy shop, at 2025, William street, and each played the "cross-capital saddle" combination for a lew dollars. The combination did not come out that day, but Mr. Losey's friend said he was not going to give up, but would play it again on the morrow. Mr. Losey was there the next day also, and this time the combination won.

the next day also, and this time the combina-tion won.

Losey says this made him a "poke flend," as the frequenters of policy shops are called He played "straight capitals," cross gigs," "up and down the scale," straddle gigs," "graveyard howlers," and everything else in the category of policy playing. He lost all the money he had saved. Then his salary and what he could borrow was swept into the policy dealers' pockets; so he used the firm's money. policy dealers' pockets; so he used the firm's money.

Losey had become sufficiently acquainted with policy and the players to know that when luck was noor they tried to revive if by playing at another shop. Losey changed his luck for the better in another place, and finally got a circuit of five places. He appropriated money from the firm's cash, and juggled the figures in the books so successfully that he was not discovered. He also kept books of his policy playing, and these were found on him when he was arrested.

as arrested. Last Saturday the firm discovered a dis-Last Saturday the firm discovered a discrepancy in Losey's accounts which reached quite an alarming figure. Chauneey S. Truax, the firm's lawyer, was consulted. District Attorney Nicoll was next seen, and then canalispector Byrnes. A warrant was procured at the Tombs Court for Losey's arrest, and Detective Reap apprehended him. He brokedown and confessed to the Inspector. He gave up his books wherein he kept account of his defalcations and his policy playing, and gave information which led to the arrest of the dealers.

dealers.
The exact amount of the defalcation is \$31,-702.39. During the twenty months in which he played policy Lossy won \$32,303.95, and lost this winning besides his stealings.
These are his ultimate losses at each shop, according to his bookkeeping:

2024 William street

Total. \$11,702 36

Vesterday morning at 10 o'clock Detectives Heard, Titus, Kranch, and Haniev raided the policy shors and arrested the following persons: At 2023 William street, William Steneer of 17 Jefferson street; at 464 Pearl street, George Hamilton of 235 Madison street; at 96 Park row, Thomas Cunneen of 212 Waverley place; at 155 Park row, Morris Sullivan of 3 Madison street. At Edwards & Co.'s, room D. Everett building, 25 Ann street, Fred Wilson of 186 East Thirty-second street, William Redford of 256 West Fifty-sixth street, and George Morgan of 322 West Fifty-eighth street were arrested by Detectives Slausen, Friel, and Lyman. The shop at 308 Myrtle avenue was left to the Brosklyn police. The prisoners were arraigned at the Tombs Court yesterday and remanded without bail by Justice Mebail by Justice Mc and remanded without our Mahon until this morning.

SWINDLING HORSE DEALERS RUN. in the Morning Sunshine.

The bunco gang of "horse dealers" exposed n yesterday's Sux disappeared yesterday from 202 Elm street and 176 Third street. They left no address. At the Elm street stable an Italian explained in broken English that nothing wrong was ever done in the stable. The "light wagon men," as he called them, had gone away early in the morning. He would not tell what the "light wagon" business was. At tharles Machousky's stable in Third street a boy said in German that the men were not there now. He never knew them to do anything wrong. Neither did he ever know them to take out their horses.

Napper was seen on the Bowery near Sixth street. He said:
"Yer t'ink yer busted us, don't yer? Well, we ain't done, an' dat's a straight tip." Italian explained in broken English that noth-

Wants \$15,000 Damages from a Street Car

Company. Mrs. Emma Haliburton is suing the New York and Harlem Bailroad Company in the Court of Common Pleas, before Judge Bookstaver and a jury, to recover \$15,000 damages for injuries. On Dec. 23, 1880, she got on a Madison avenue car at Forty-fourth street and rode to Fourteenth street. Just as she was getting off the ear at that street she says it gave a sudden jerk and started, throwing her to the pavement. She received injuries to her spine of such a nature that she is liable to be a cripple for life. She had been a cierk and stenegrapher, and now is unable to work. She was brought into court in a steamer chair.

Mrs. McCormick Says She Is the Widow 'Rose McFarland of 47 Carmine street called at the Coroner's office yesterday to ask to have a post mortem made in the case of her father, James McFarland, a blacksmith, who died at 351 Greenwich street on Monday. She said that since the death of her mother in August that since the death of her mother in August her father had lived with a Mrs. McCormick, who now claims to have been married to him and to be entitled to his savings, some \$4.000. It was on this account that his daughter thought his death suspicious. Deputy Coroner Donin arranged for an investigation to-day hefore the funeral. Dr. Overmiller, who signed McFarland's death certificate, which gives typhoid pneumonia as the cause of death, is a physician in good standing.

May Stuy, But Shouldn't Swear. Alderman George B. Morris reported at the

meeting of the Board of Aldermen yesterday that the backmen who stand on the north side that the backmen who stand on the north side of Madison square use foul language to the annoyance of the residents of the neighborhood. He then offered a resolution abelishing the stand. The Coachmen's Union opposed it, and it was voted down.

The Harlem and Kingsbridge Railway Company asked the Board for permission to extend its tracks through 155th street to Riverside avenue and Broadway. A public hearing will be held on the matter on April 14.

Bell Boy Cassin Out on Ball. Henry Cassin, formerly a bell boy in the

Hotel Vendome, who was convicted in the General Sessions in October, 1800, of stealing atin box containing \$16,000 from the hotel office safe and was sentenced to State prison for nine years, has been in the Tombs since, bending appeal to the Court of Appeals. He was released yesterday under \$7,500 bad, pending the appeal. His bondsman was will ham H. vornett, contractor, of 422 West Fifty-

Heering's Copenhagen Cherry Cordial,

MR. BLAINE'S ILLNESS

He Has been Confined to His House for a Week, and His Friends Are Much Disturbed, Washington, March 8.-The physician and friends of Mr. Blaine are very much concerned at his condition, and, although they say for publication that he is not seriously ill, they are very much afraid that he is. The Secretary has now been confined to his house for about a week, and has been all that time unable to see any of his friends. It has been given out at the State Department that he was transacting public business daily in his bedroom, but these statements were no doubt made only in a Pickwickian sonse. Mr. Blaine's physician himself makes the statement that the Secretary endeavored a few days ago to attend to some routine matters and was so prostrated by the exertion that he was thrown into a high fever, which

did not subside for two or three days. Mr. Blaine's original ailment was a cold which he caught while walking during the bad which he caught while walking during the bad weather last week, but it has become so complicated since as to make him seriously Ill. He is himself somewhat alarmed at his condition, although there has been no recurrence of the attacks of nausea from which he suffered early in the winter. The Secretary is unable to pay any attention to the pressing matters of State Department business, which are now attended to by the President, with the assistance of Mr. John W. Foster. The new German Minister, who presented his crodentials to the President to-day, waited for some time in the hope of being introduced in the regular way by the Secretary of State, but found that there was no prospect of Mr. Baine's being on duty for some time to come. The Secretary's illness has given rise to a renewal of the rumor that he is preparing a letter of resignation, which is to be necompanied with the statement that he intends to retire immediately and permanently from public life.

HE BATTERED FELIX MORRIS.

Mr. Sidney Bell's Unpleasantness With Rosina Vokes's Stage Monager.

CHICAGO, March 8.-Felix Morris, stage manager and leading man of Rosina Vokes company, did not enter into his duties with much gest last night. Mr. Morris had been slugged. For three or four seasons there has been trouble between Sidney Bell and hm, which culminated in a personal encounter on Saturday night. Mr. Bell says that Mr. Morris, as stage manager, has been unnecessarily arbitrary in his treat-ment of him and Mrs. Bell (Eleanor Lane). Some untoward act at the Saturday night performance precipitated the trouble. Every minute the performance lasted only added to Mr. Bell's discomfort. He fairly ached to get oven. When at last the curtain had been rung down and street attire resumed. Mr. Bell burst into the alley on which the stage entrance opens.

Mr. Morris and his wife followed. Mr. Morris had a cigar in his mouth and stopped to scratch a match. The flash cast a sudden light on the face of the man Bell was looking for. He almed at the cigar and nearly succeeded in driving it down Morris's throat.

Bell began sparring away like clockwork. All his blows landed with force and as regularly as drum days. Eyes, nose, and mouth were battered in quick succession. Morris making few and futile attempts to avert the punishment.

Although there were a number of men among the bystanders, none made a move in Morris's behalf, and it was not until Mrs. Morris throw herself into the breach that the bombardment ceased. Mr. Bell was still greatly excited after the collision, and declared his intention of removing all temptation to follow up the assault by removing himself from the company.

Mr. Morris was in a woeful plight, and he Some untoward act at, the Sat-

follow up the acceptance from the company.

Mr. Morris was in a wooful plight, and he made a few preliminary motions in starting for a place of safety and rest.

MERCIER BADLY DEFEATED. His Party Almost Wiped Out at the Polls in Quebec.

MONTREAL, March 8.-The Quebec elections, which were held to-day, have resulted in the complete defeat of Mercier and his party. The Conservatives have swept the province, and Lieut.-Gov. Anger's action in dismissing the Mercier Ministry has been sustained by the people at the polls by an overwhelming

the people at the polls by an overwhelming majority. Mercler's party, which had a majority of twenty-seven in the last Legislature, has been almost wiped out of existence, and will not number more than twelve members in the next Assembly.

Out of the seventy-three constituencies in the province, fifty-two have returned Conservatives and six Independent Liberals. The Conservatives will have a majority of over thirty in the new Legislature. All the new Ministers are elected by big majorities. Mercier has been personally elected in Bonaventure county by a good majority, but all the members of his Ministry have been defeated by big majorities. The city of Montreal has elected six Conservative members and polled up a big vote against Mercier.

Mayor Meshane, who was one of the Mercier candidates in Montreal, has been snowed under. There is intense excitement here to night over Mercler's defeat, which is regarded as putting an end to his power in Canadian polities.

A WIFE MURDERER HANGED.

He Used an Axe, and Sald on the Scaffold that the Punishment Was Vojust.

TUNEHANNOCE, Pa., March 8-Charles Wall was executed here this marning for the mur-der of his wife. The drop fell at 10:20 o'clock. He was attended by the Rev. J. F. Warner for He was attended by the Rev. J. F. Warner for an hour in his cell before going to the scaffold. As he was being bound he remarked: "It is unjust for me to be here. I did not know what I was doing when I killed my wife." He died without a struggle.

Wall murdered his wife Julia with an axe on July 25, 1831. They had been married only two months. He alleged undue intimacy with Intler Wall, his nephew. Mrs. Wall ran out of the house and her husband drove the axe into her head as she ran. He pleaded not guilty on account of insanity.

Miss Gerrish Will Never Kiss Miss Myers

on account of insanity.

Sylvia Gerrish and Annie Myers perform a Normandy dance in "Uncle Celestin" at the Casino, and sing during the dance. Last night they kept apart, and their failure to kiss each other, which was one of the amusing episodes of the dance, caused astonishment behind the scenes. Miss Gerrish said that she had been insulted by Miss Myers's action in keeping at the extreme edge of the stage when they ought to have danced together, and that she would never again kiss Miss Myers.

Stabbed by His Fellow Convict.

COLUMBUS, March 8.-A terrible cutting affray took place in the shoe shop of the Ohio penitentiary this afternoon. John Johnson white, serving a seven years' term from Cin-input: for assault to reb, slipped up behind Lafayette Grayson colored, a convict from Zanesville, Ohio, and plunged a sharp shoe knife three times into his neck. Grayson fell to the floor and was carried to the hospital by guards. The dectors say he will die, Warden byer will report the case to the Grand Jury. The cutting was the result of an old feud.

Gen. Milton S. Littlefield, whose \$7,500 bail ond had been twice forfeited, the last time on Monday, appeared in the General Sessions beconday, appeared in the Orneral Sessions be-ore Recorder Smyth, when Assistant District thereby Davis recover his trial upon an indict-nent charging him, nointly with Dr. Walter M. leming, with obtaining \$5,100 by labe pre-ences from Mrs. Stephani, the mother of Iphonse J. Stephani, the murderer. He leaded that he was out of town on business in Monday. He was committed to the Temba a default of new sail. on Monday. He was ex in default of new (ail.

The Westinghouse Pacifica Wins, PITTSBURGH, March 8-At the Switch and Signal Company's annual meeting to-day the

Westinghouse interest voted 14,183 shares of withing the other side (1,51e). The Board will not organize for a few days, and it is generally the opinion that Mr. Westinghouse can have the Presidency if he desires, or if he decimes that it will go to Mr. Byers.

tien, Muly ne's Sudden Blues. Washington, March 8.- A telephone mes

age was received in Washington to-night stating that Gen. Mahone of Virginia, while attending the funeral of his law partner. Windsor, in Alexandria, to-day, was taken suddenly ill, and was unable to return to Washington. PRICE TWO CENTS.

SILLY MRS. HETHERINGTON.

SHE ATTENDS A DINNER WHILE HER HUSBAND IS IN JAIL.

Her Vain and Shallow Conduct-Even Americans in Yokohama Say She Flirted Recks lessly—Her Husband Blamed Only for Shooting Robinson Down Like a Dog.

San Francisco, March 8.-Dr. Northfleet. surgeon of the Monocacy, who knew the Hetheringtons well, explains the singular conduct of the Lieutenant's wife by the asserion that the woman was vain, fond of admira-

tion, and had no common sense. He said:
"On the voyage from San Francisco to China she caused much gossip by her flirtations, and when she reached Yokohama she at once set longues wagging by her indiscreet conduct. She was easily the prettlest woman in the foreign colony at Yokohama, but those who knew her lost said she had no heart and flirted merely for amusement, and the sequel proved that they were correct.

" From the first day of her stay in the Grand Hotel she seemed to lay herself out to fascinate Yokohama. She would giance about the different tables at dinner time, ogling the men and smiling with a self-consciousness that amused most of the men whom she made her target. At dinners and balls she would flirt desperately, and her light shrill laughter could be heard in the piazzas and conservatories at

desperately, and her light shrill laughter could be heard in the piazzas and conservatories at almost all hours. While her husband was aboard the Marion she took luncheons and dinners with Gover Robinson and went riding with him in his drag.

"Hetherington finally had his eyes opened on New Year's eve at a ball, when he discovered his wife and Robinson in a lover-like attitude in a secluded corner. Robinson left town, but he was injudicious enough to write to Mrs. Hetherington some very lender letters, and these sho carelessly lef fall into her husband's possession. The latter related his double discovery to his Captain and brother officers on the Marion and they persuaded him that his honor had been violated and that the slight put upon him by Robinson could only be wined out by blood.

"The woman's silliness was plainly exemplified by her conduct after the tragedy. She not only expressed no concern for the occurrence, but actually desired to attend a dinner party given on Saturday evening. the day after the shooting and the day on which Robinson died. On the evening of this day Mrs. Hetherington went to the wife of Admiral Belknap and said:

"Mrs. Belknap, what shall I do about this dinner? You know the Judge (she always called her husband by this title land I have been invited to the Russian Consul's, and, of course, he can't go, because he's in prison, but I don't see how I can get out of going myself. Don't you think I'd better go?"

"Most certainly not, exclaimed Mrs. Belknap, horriffed at such a proposal. "It would be perfectly indecent."

"I don't see why, replied Mrs. Hetherington, tossing her head.

"Then I will explain to you,' said Mrs. Belknap. 'Can't you understand that while you and your husband are resting under the cloud of this terrible tragedy it is better that you should keep yourself in the utmost privacy?

"Why should I? He killed Robinson. I didn't."

"At which Mrs. Belknap says she could not stand such nonserse any longer, but then and

didn't

"Why should I? He killed Robinson. I didn't."
At which Mrs. Belknap says she could not stand such nonsense any longer, but then and there made the foolish woman sit down and write a note of regret. Mrs. Belknap departed for the dinner, thinking everything was all right. Imagine her horror when, half through dinner, to see the fickle, goldenharred beauty. Mrs. Hetherington, come tripping in, clad in white tulle and diamonds, smiling and greeting every one with pretty speeches. She even remarked to one guest: You know the Judge has shot George?"
"The guests were shocked, and it was as if a wet blanket had fallen over the banquet board. The lady remained there till late, and departed as happy as if nothing had happened to mar her self-satisfied tranquillity." Mrs. Northfleet says Riobinson's friends declare he returned to Yokohama with Hetherington, and received a reply by wire consenting to his return. M. Pors, who was a bosom friend of Robinson, was in Kobe searching for this despatch when the inquest adjourned in order to get his testimony.
"The feeling in Yokohama is bitter against the woman, for even the Americans say she was so reckless in filtration that no man should have been killed for her sake. The only criticism on Hetherington is that he should have shot Robinson down like a dog."

JAY GOULD COMING HOME.

A Telegram that Caused an Abrupt Change

In His Southern Trip, SAN ANTONIO, March 8 .- Jay Gould did not go to Mexico, as he had planned. He received a telegram calling him back to New York. He ad gone as far as Laredo, Tex., and spending only an hour there, started on the homeward trip, passing through San Antonio

at an early hour this morning. A Decision Against the Elevated

ALBANY, March 8.-In the case of the appeal of Edward Mitchell and others, as trustees, respondents, against the Metropolitan Railway Company, appellants, from a judgment of the General Term, first department, affirming a judgment entered upon a decision of Justice a judgment entered upon a decision of Justice Patterson at Special Term, an action brought to recover damages sustained by the plaintiffs by reason of the operation of the defendants elevated railway in front of plaintiffs premises in West Third street. New York city, the Court of Appeals to-day affirmed the judgment restraining the defendants from operating their ra lway in front of the premises unless within thirty days after the entry of judgment they should pay to the plaintiffs \$12,000 as damages.

The New Orleans 'Longsboremen's Strike . Ended.

New Onleans, March 8 .- The strike of the longshoremen ended to-day in a compromise, the men gaining most of their demands. The strike involved several thousand laborers, and affinally reached such proportions as to seriously affect the export trade of the city, bringing it to a complete standstill. The vessels have lain idle at the wharves, and the railroads were compelled to refuse freight from the interior intended for export. intended for export.

Charles Bodenstab Kills Himself. Charles Bodenstab, an old resident of Col-lege Point, committed suicide at his residence in that place last night by taking arsenic. The motive is unknown.

The Weather.

The storm which was central in the lower Mississippi Valley on Monday increased in severity and moved northeastward to the middle Atlantic coast, where the centre was yesterday. The winds all along the coast increased in force and were made dangerous by a very thick fog. They were blowing from the northeast to the north of Virginia, and off shore to the south of that State. The rain area covered all the States from the alf northward to the lakes, and from the Ohio and Tennessee valleys to the Atlantic coast, except in the upper lake regions, where the rain turned to snow. There is another storm moving southeast over the upper

lakes that will probably be drawn into the coast storm and increase its force.

The rainfall in the Atlantic States was generally heavy. The storm is moving northeastward and the rain is likely to continue today, followed by fair and slightly covier weather late at night or on Thurs

In the Mississippi Valley and westward the weather cas fair and slightly cooler. There is no cold weather

in sight.

The rain began in this city at 10:22 A. M., and fell heavily in the afternoon. Fetween 216 and 316 P. M. the fall averaged half an inch an hour; average humidity, 05 per cent.; wind northeast; average velocity, 18 miles an hour; highest official temperature 40°, lowest

The thermometer at Perry's pharmacy in Tue Sus

Average on March 8, 1891, 56*, WASHINGTON PORPOAST TILL S. P. M. WEDNESDAY. For New England, threatening weather, with rain or now, variable winds; slightly warmer in Massachu

orth dering statet means realist, secrety since For Mastern New York, showers; variable wilds; probably clearing during the day, warmer in easters

Brewed from Mait and Hops Only, Hupfel Brew'g Co.'s Manhattan Beer, 229 B. soth et

partion.